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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/507,868	02/22/00	LICHTINGER	H 99P74710501

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EXAMINER

DAVIS, U

ART UNIT	PAPER NUMBER
2855	

DATE MAILED: 10/24/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No. 09/507,868	Applicant(s) Lichtinger et al	Examiner Octavia Davis
		Art Unit 2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on Jul 30, 2001.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-20 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are objected to by the Examiner.

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) Notice of References Cited (PTO-892) 18) Interview Summary (PTO-413) Paper No(s). _____

16) Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) Notice of Informal Patent Application (PTO-152)

17) Information Disclosure Statement(s) (PTO-1449) Paper No(s). 6 20) Other: _____

Serial Number: 09/507, 868

Art Unit: 2855

10/19/01

DETAILED ACTION

Specification

✓ The disclosure is objected to because of the following informalities: On page 7, line 17, replace "first 28 and second 32 sensors" with "first 38 and second 40 sensors". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 - 20 are rejected under 35 U.S.C. 112, 2d paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention.

✓ Claims 1, 7 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: The necessary elements for moving the second track relative to the first track.

✓ Claims 1, 7, 8, 14 and 19 are rejected under 35 U.S.C. 112, second paragraph, as

being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: The seating of the "occupant" on the seat enabling the second track and the track assemblies to be deflectable in a vertical direction due to the occupant weight force.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 - 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verma et al in view of Gagnon et al. Verma et al disclose a method and apparatus for measuring seat loading by sensors comprising a vehicle seat 10 having a support means 14, 28, tracks 26 forming an inboard and an outboard track assembly mounted on a vehicle structure 10, sensor assemblies 30 mounted on one of the tracks and their assemblies for generating a signal representative of the occupant weight and force, a central processor 52 for determining seat occupant weight based on signals generated by the sensors and combining the signals to determine seat occupant weight (See Col. 2, lines 13 - 24) (cls 1, 2, 7, 8 and 14), an airbag control means 72 communicating with the processor 52 and transmitting the seat occupant weight signals to the control

means and controlling a deployment force of the airbag based on the seat occupant weight (See Col. 3, lines 48 - 50) (cls 3, 13 and 15), the inboard and the outboard track assemblies allowing fore and aft adjustment of the seat, the central portions being unsupported forming a gap (between the spacer 32) between the vehicle structure and the track assemblies (See Col. 2, lines 20 - 22) (cls 4, 6, 10, 12, 16 and 18), the sensors 30 being positioned along the central track portion (cl 5) and locating the track segment in the center location (cl 17) but does not disclose the track assemblies having a predetermined cross-sectional area, each assembly having a track portion having a cross-sectional area that is less than the predetermined cross-sectional area (cls 9 and 11). However, Gagnon et al disclose an occupant weight sensing system comprising a vehicle seat including a seat cushion 10 and a seat back 12, the seat having a rigid seat support member 16 or seat frame having a cross member extending between a plurality of side rails, the side rails capable of being joined to one another by the seat back and maintained parallel to one another by a fastening the seat frame to seat legs (See Col. 4, lines 59 - 64).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to modify Verma et al according to the teachings of Gagnon et al for the purpose of, determining the weight of the seat occupant and providing sensors for collectively measuring the weight supported by a rigid frame.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bruns et al (6, 293, 585) disclose an apparatus for determining the weight of an occupant seated in a vehicle seat comprising track assemblies attached to a vehicle structure, a second of the tracks moveable relative to the first track via bearings or rollers and deflectable in a vertical direction and sensors mounted to the tracks.

Response to Arguments

Applicant's arguments filed July 30, 2001 have been fully considered but they are not persuasive. In response to applicant's argument that Verma et al does not disclose sensors mounted on the seat tracks and no deflectable seat tracks, it is the Examiner's position that "sensors mounted on the seat tracks" is illustrated in Fig. 1, with sensor 30 being mounted on seat track 26, since the brackets 16 and beams 22 are deflectable and the seat tracks 26 are attached to the brackets, the tracks are deflectable, thus the reference still stands.

Any inquiry concerning this communication should be directed to Examiner Octavia Davis at telephone number (703) 306 - 5896.

OD/2855


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